



# Department of Public Health and Human Services

Human and Community Services Division ♦ Intergovernmental Human Services Bureau ♦ P.O. Box 202956 ♦

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Steve Bullock, Governor

Richard H. Opper, Director

## Rural Housing Preservation Grant Application

July 17, 2017



# Department of Public Health and Human Services

Human and Community Services Division ♦ Intergovernmental Human Services Bureau  
PO Box 202956 ♦ Helena, MT 59620-2956♦

Steve Bullock, Governor

Sheila Hogan, Director

June 20, 2017

Sandi Messinger  
State Housing Specialist  
2229 Boot Hill Ct  
Bozeman, MT 59715-7914

Dear Ms. Messinger:

The Human and Community Services Division is one of nine divisions within the Montana Department of Public Health and Human Services. Montana's Weatherization Assistance Program (WAP) is situated in the Intergovernmental Human Services Bureau which is part of the Human and Community Services Division. The Intergovernmental Human Services Bureau is requesting a grant in the amount of \$50,000 to assist very low-income rural homeowners in repairing and rehabilitating homes. Such assistance will provide vital health and safety funding for home repairs necessary prior to completion of cost-effective weatherization work.

The WAP reduces energy costs, improves the health and safety conditions, increases comfort for occupants, reduces homelessness, and extends the usable life span of affordable housing. When weatherization services cannot be performed without jeopardizing the health and safety of occupants and workers, it must be deferred. The presence of asbestos, sewer leaks, pests, plumbing leaks, minor electrical issues, roof leaks, unsafe cook stoves, wheelchair ramps, and handrails in the home is a reason to defer the weatherization work.

The Rural Housing Preservation Grant funds would complement the WAP to benefit low-income, rural, homeowners by addressing related health and safety hazards. Once the hazards are repaired weatherization work can begin to preserve the dwelling, improve the general living conditions of the homeowners and reduce energy costs.

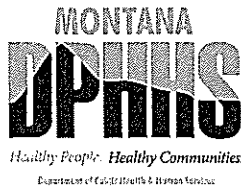
Thank you for the opportunity to apply for the Rural Housing Preservation Grant. Should you have any questions please contact Andrea Goetsch, our Intergovernmental Human Services Bureau Chief at (406) 447-4265 or [agoetsch@mt.gov](mailto:agoetsch@mt.gov).

Sincerely,

Jamie Palagi, Administrator  
Human and Community Services Division

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# Department of Public Health and Human Services

Human and Community Services Division ♦ Intergovernmental Human Services Bureau  
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## Rural Housing Preservation Grant

### Statement of Activities

Financial assistance from the Housing Preservation Grant would be used for homeowners living in rural Montana. The Rural Housing Preservation Grant would complement the Weatherization Assistance program to assist very low-income homeowners in repairing and rehabilitating homes in rural areas. Such assistance will be used to provide vital health and safety funding for home repairs necessary prior to completion of cost-effective weatherization work.

1. A complete discussion of the type of and conditions for financial assistance for housing preservation, including whether the request for assistance is for a homeowner assistance program, a rental property assistance program, or a cooperative assistance program

Some health and safety repairs are not allowed under the Weatherization Assistance Program. The presence of these health and safety hazards prevents the weatherization programs from installing energy conservation measures. The Housing Preservation Assistance Grant would allow the weatherization programs affiliated with the Human Resource Development Councils (HRDC's) to install energy conservation measures. Housing Preservation Assistance would include the cost of labor and materials for:

- a. Asbestos Abatement
  - i. Specially-trained and certified asbestos abatement contractor will be contracted to remove, transport and dispose of the asbestos.
  - ii. An air-quality monitoring test will be performed on the dwelling to assure that there is no asbestos present in the ambient air that would be a health and safety risk to the occupants, agency staff or contractors.
  - iii. The HPG funds may be used to cover costs incurred in the relocation of displaced persons.
  - iv. The grantee will provide assistance for permanent or temporary relocation of displaced persons for units repaired or rehabilitated or for individual or for individual homes replaced with Housing Preservation Grant assistance.
- b. Preservation or Rehabilitation Activities outside the Scope of Weatherization
  - i. Sewer Leaks,
  - ii. Pest Removal,
  - iii. Plumbing Leaks,
  - iv. Electrical Issues,
  - v. Roof Leaks ,
  - vi. Unsafe Cook Stoves,
  - vii. Wheelchair Ramps, and
  - viii. Handrails (interior and exterior)
- c. Leverage measures that otherwise would not pay back for the Weatherization Program

- i. Doors, and
  - ii. Windows
2. The process for selecting recipients for HPG assistance, determining housing preservation needs of the dwelling, performing the necessary work, and monitoring/inspecting work performed;

Applicants complete an application for Home Energy Assistance under the Low Income Energy Assistance Program (LIEAP). Clients eligible for the Housing Preservation funds would need to meet the following criteria:

- a. The client must own the home and the site on which the home is situated.
- b. The client must have occupied that home on that site for at least one (one) year to be eligible for HPG funds.
- c. The home must be on a permanent foundation.
- d. The client must be at or below Housing and Urban Development's (HUD's) 'Very Low Income' standards.

FY 2017 Very Low-Income (50%) Limit (VLIL)								
Median Family Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
62,600	21,900	25,050	28,150	31,300	33,800	36,300	38,800	41,300

Dwelling units are prioritized for services according to annual energy usage which is the amount of energy used over a given period. The annual energy usage is determined by using actual or estimated heating cost over a twelve month period. In ranking dwelling units for weatherization and Housing preservation needs, the annual energy usage of households occupied by elderly or handicapped individuals will be weighted an additional 25 percent to ensure these individuals receive priority.

A dwelling will not be counted as complete until a final inspection is conducted by a disinterested third party certifying that all work has been performed according to plans and specifications.

State of Montana Intergovernmental Human Services Bureau (IHSB) Monitoring:  
The intent of the monitoring is to identify training and technical assistance needs, assure that measures were installed correctly and to assure that programs are in full compliance with applicable rules and financial management circulars.

Monthly desk monitoring is an important component of quality control. A minimum of one (1) on-site review of each HRDC will be conducted during the program year. Additional field reviews may be conducted to address potential problems and ensure

compliance with required actions. Monitoring will address HRDC program administration and production. The review of program administration will cover financial management; personnel management; property management; inventory control; record keeping; client file documentation; labor and materials procurement; and reporting and compliance documentation.

3. A description of the process for identifying potential environmental impacts in accordance with 7 CFR 1944.672, and the provisions for compliance with Stipulation I, A-G of the Programmatic Memorandum of Agreement, also known as PMOA, (RD Instruction 2000-FF, available in any Rural Development State Office or at <http://www.rurdev.usda.gov/SupportDocuments/2000ff.pdf>) in accordance with 7 CFR 1944.673(b);

Environmental Requirements and Historic Preservation will be accomplished through **Exhibit F-2** (Attached).

- a. The local HRDC's and IHSB will assure all environmental requirements are documented prior to starting any housing preservation work.
    - i. The HRDC will determine if the property is located in a 100-year flood plain and proceed accordingly.
    - ii. The HRDC will check with the local SCS office to determine if the dwelling is located in a wetland and proceed accordingly.
  - b. The local HRDC's and IHSB will determine if the dwelling or property has any historic or archaeological value.
    - i. The HRDC will develop in consultation with the State Historic Preservation Officer (SHPO) a process to ensure full compliance with the national historic preservation objectives.
    - ii. The HRDC will encourage the rehabilitation of historic buildings in a manner that realistically meets the needs of very low-income property owners while preserving the historic and architectural character of such buildings.
  - c. The HRDC's will consult with the Montana Rural Development Office when:
    - i. It is discovered the property contains any areas where chemicals or petroleum products are stored, disposed of, or appear to have been released into the environment.
    - ii. There are adjacent land uses which now or in the future present a potential detriment to the quality of the environment.
4. The development standard(s) the applicant will use for the housing preservation work; and, if the applicant will use the Rural Development standards for existing dwellings, the evidence of its acceptance by the jurisdiction where the grant will be implemented

Montana Instruction Part 1924-A of the Montana Development Standards will be followed by the Grantee and HRDC's for the housing preservation work.

5. The time schedule for completing the program

The term of the grant would be 1 (1) year from the date the grant was awarded.

6. The staffing required to complete the program

Staffing for the operation of the Housing Preservation Grant will be through the Community Action Agencies (CAA's) (referred to as Human Resource Development Councils (HRDC's) in Montana) in the Governor's twelve (12) Planning Districts and to one (1) Tribal Housing Authority. These HRDC's have experience in effectively weatherizing single family homes. All HRDC's have received comprehensive programs reviews, demonstrating ability to administer programs in compliance with State and Federal Rules and Regulations.

The HRDC's will contract with certified contractors to perform work under this grant.

7. The estimated number of very low-income minority and non-minority persons the grantee will assist with HPG funds; and, if a rental property or cooperative assistance program, the number of units and the term of restrictive covenants on their use for very low-income persons;

- a. It is estimated that ten to twenty households will be assisted with Housing Preservation Grant funds.
- b. The very low-income persons are identified based on the Low-Income Energy Assistance Program (LIEAP) Application. LIEAP has a rigorous income calculation process that requires third party income verification for the previous 12 months.
- c. The grantee maintains a computer data base containing annual fuel consumption information for dwelling units eligible for weatherization assistance. Dwelling units will be prioritized for weatherization services according to annual energy usage which is a household's actual (or in some cases estimated) annual heating costs. In ranking dwelling units for weatherization, the annual energy burden of households occupied by elderly or handicapped individuals will be weighted an additional 25 percent to ensure these individuals receive priority.
- d. If there exists a weatherization related imminent threat to the health or safety of an eligible household, their home may be designated a higher priority.

- e. Dwelling units will be selected based on annual energy usage, household income, and their eligibility under rules and guidelines governing the Housing Preservation Grant Program.
8. The geographical area(s) to be served by the HPG program  
The Housing Preservation Grant funds will be provided to rural, very low-income clients residing in the State of Montana.
9. The annual estimated budget for the program period based on the financial needs to accomplish the objectives outlined in the proposal. The budget should include proposed direct and indirect administrative costs, such as personnel, fringe benefits, travel, equipment, supplies, contracts, and other cost categories, detailing those costs for which the grantee proposes to use the HPG grant separately from non-HPG resources, if any. The applicant budget should also include a schedule (with amounts) of how the applicant proposes to draw HPG grant funds, i.e., monthly, quarterly, lump sum for program activities, etc.

Housing Preservation Grant Budget	
Cost Category	HPG Cost
Direct/Indirect Admin Costs	\$7,500
Address health and safety hazards and used as leverage funds for door and window replacements*	\$42,500
Other	\$0
Total	\$50,000
* Includes Fringe Benefits, Wages, Travel Equipment, and Supplies	

- a. The Grantee will use no more that 15% of the Housing Preservation Grant Funds for administration purposes. Eighty-five (85%) of the Housing Preservation funds will be used to provide vital health and safety funding for home repairs necessary prior to completion of cost-effective weatherization work. Funds will be drawn down as needed, but not more frequently that once every 30 calendar days.
- b. Grant funds will not be used for any of the following:
- To pay obligations incurred before the effective date of this Agreement.
  - To pay obligations incurred after the grant termination or ending date.
  - Entertainment purposes.



- iv. To pay for capital assets, the purchase of real estate or vehicles, improvement or renovation of grantee's office space, or repair or maintenance of privately owned vehicles.
10. A copy of an indirect cost proposal as required in 7 CFR parts 3015, 3016, and 3019, as applicable, when the applicant has another source of Federal funding in addition to the Rural Development HPG program

The Intergovernmental Human Services Bureau is part of the Human and Community Services Division with the Montana Department of Public Health and Human Services. The Human and Community Services Division is one of nine divisions within the Montana Department of Public Health and Human Services. The Intergovernmental Human Services Bureau's Department's approved Cost Allocation Plan was approved by the U.S. Department of Health and Human Services.

The Intergovernmental Human Services Bureau administers a number of programs including: the Community Services Block Grant funding local projects to ameliorate the causes of poverty; the Low- Income Energy Assistance Program providing heating assistance; the Commodity Supplemental Food Program providing food packages to low-income seniors and children between the ages of five and six; Weatherization Programs funding installation of weatherization materials to reduce heating costs for low-income individuals; and the Emergency Solutions Grant Program passed through Human Resource Development Councils to shelters to provide lodging and temporary assistance for individuals and families who are without housing or at risk of being without shelter. This Bureau maintains strong working relationships with community providers and helps develop a comprehensive state wide strategy to address the issues of poverty in Montana.

11. A brief description of the accounting system to be used;
- a. The SABHRS system is an integrated accounting system provided in a web-based environment.
  - b. The financial management system of the grantee will provide for effective control and accountability for all Federal funds as stated to OMB Circular A-1-2 (42 FR 45828, September 12, 1977) for State and local governments and the Uniform Guidance for nonprofit organizations.
  - c. The grantee will limit cash advances to the minimum amounts needed and shall be timed to be in accord only with the actual, immediate cash requirements of the Grantee in carrying out the purpose of the planned project. The timing and amount of cash advances shall be as close as administratively feasible to the actual disbursements by the Grantee for direct program costs and proportionate share of any allowable indirect costs.

12. The method of evaluation to be used by the applicant to determine the effectiveness of its program which encompasses the requirements for quarterly reports to Rural Development in accordance with 7 CFR 1944.683(b), frequency of audits according to 7 CFR 1944.688(e), 7 CFR parts 3015 and 3016, and the monitoring plan for rental properties and cooperatives (when applicable) according to 7 CFR 1944.689

The Grantee will submit Quarterly performance reports with SF-425, in an original and two copies. The quarterly report will relate to the activities during the report period to the project's objectives and analyze the effectiveness of the program. The method of evaluation to determine effectiveness of the Housing Preservation Grant is as follows:

1. Use of HPG funds for administration and housing preservation activities.
2. The following specific information for each unit or dwelling assisted:
  - (i) Name(s), address, and income(s) of each homeowner assisted or the name and address of the owner(s) or co-op for each rental property (single or multi-unit) or co-op assisted;
  - (ii) Total cost of repair/rehabilitation, a list of major repairs made, amount financed by HPG, and amount financed from which other sources;
  - (iii) Type of assistance provided (interest subsidy, loan, grant, etc.); and
  - (iv) Results of implementing the environmental process contained in § 1944.672 of this subpart and the historic preservation process contained in § 1944.673 of this subpart.
3. The use of HPG and any other funds for replacement housing.
4. A comparison of actual accomplishments to the objectives set for that period, including:
  - (i) The number of very low-income, minority and nonminority persons assisted in obtaining adequate housing by the HPG program through repair and rehabilitation as well as for replacement housing; and
  - (ii) The average cost of assistance provided to each household.
5. Reasons why, if established objectives are not met.
6. Problems, delays, or adverse conditions which will materially affect attainment of the HPG grant objectives, prevent the meeting of time schedules or objectives, or preclude the attainment of program work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Federal or other assistance needed to relieve the situation.
7. Objectives established for the next reporting period, sufficiently detailed to identify the type of assistance to be provided, the number and type of households to be assisted, etc.
8. A certification that the final building inspection reports for each rehabilitation or repair work financed as well as for replacement housing with HPG funds for that quarter is on file.

Frequency of Audits:

1. Grant evaluation will be an on-going activity performed by both the grantee and FmHA or its successor agency under Public Law 103-354. The grantee will perform self-evaluations by preparing quarterly performance reports in accordance with § 1944.683 of this subpart
2. The grantee will complete the closeout procedures as specified in the grant agreement.
3. The grantee will have an audit performed upon termination or completion of the project in accordance with 7 CFR parts 3015 and 3016, as applicable. As part of its final report, the grantee will address and resolve all audit findings.

13. The source and estimated amount of other financial resources to be obtained and used by the applicant for both HPG activities and housing development and/or supporting activities

The Grantee estimates seven million in other financial resources to be obtained and used for both HPG activities and housing development and/or supporting activities. These funds will come from the Department of Energy, the Department of Health and Human Services, NorthWestern Energy (NWE), Montana Dakota Utilities, NWE Penalty, and the Bonneville Power Administration.

14. The use of program income, if any, and the tracking system used for monitoring same;

The Department does not anticipate receiving program income under the agreement; however, any program income that may be realized will be allocated back to the Housing Preservation Grant in order to continue the project or program after the grant ends. The method of evaluation outlined in #12 above will be used to monitor any earned income.

15. The applicant's plan for disposition of any security instruments held by them as a result of its HPG activities in the event of its loss of legal status;

The grantee will not procure any assets, equipment or property. All the needed assets, tools, equipment and property are currently owned by the HRDC's.

16. Any other information necessary to explain the proposed HPG program; and

Funds made available through the Housing Preservation Grant (HPG) will be used to address health and safety hazards, and to leverage funds for door and windows for very low-income homeowners living in rural Montana. The HPG funds will be held at the Intergovernmental Human Services Bureau of the State of Montana DPHHS and allocated to the Human Resource Development Councils (HRDC's) when an eligible dwelling has been identified.

These funds will complement the Weatherization Assistance Program funds and will allow the Montana Department of Public Health and Human Services to provide energy conservation measures to needy families.

Relocation Assistance: The grantee will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. The grantee will provide assistance for permanent or temporary relocation of displaced persons for units repaired or rehabilitated or for individual or for individual homes replaced with Housing Preservation Grant assistance. The HPG funds may be used to cover costs incurred in the relocation of displaced persons.

Displacement of Homeowners: The grantee will keep the displacement of homeowners to a minimum by ensuring the household members return to their home as soon as health and safety risks are eliminated.

17. The outreach efforts outlined in 7 CFR 1944.671

1. In addition, the grantee will address an outreach effort in their program. The outreach will sufficiently reach the entire service area. A separate file will be maintained by the grantee that will include the following outreach activities:
  - a) Outreach activities will be handled through the HRDC's and Tribal subgrantees.
    - i. Each subgrantee conducts outreach activities:
      1. To increase awareness of availability to potentially eligible households
      2. To inform potentially eligible households of resources to meet both short and long term energy related situations
      3. To increase awareness of the general public of energy related resources so they may refer people in need of help
      4. To help households avoid the need to apply for emergency fuel assistance
      5. To target those households most vulnerable to the effects of cold, especially young children, the elderly and the handicapped
  - b) Copies of all advertising in local newspapers, and through other media. Any advertising must reach the entire service area. FmHA or its successor agency under Public Law 103-354 encourages the use of minority-owned radio stations and other types of media, if available, in the service area; and
  - c) Copies of any other advertising or other printed material, including the application form used. The application form shall include the nondiscrimination slogan: "This is an equal opportunity program. Discrimination is prohibited by Federal Law."



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Steve Bullock, Governor

Sheila Hogan, Director

## Housing Preservation Grant

### Statement of Experience and Capacity

The mission of the Department of Health and Human Services is to improve and protect the health, well-being and self-reliance of all Montanans. DPHHS is the major executive branch human service agency. Its department head is appointed by the Governor.

DPHHS goals and objectives are:

- that all children are wanted, safe and living in healthy families;
- that all Montanans are healthy, safe from injury and have access to high-quality health care;
- that all Montanans, including the elderly and the disabled, have the tools necessary to be self-sufficient;
- that all Montanans have an opportunity through community giving and service to contribute to the above

Montana's Weatherization Assistance Program is situated in the HRDC Services Section of the Intergovernmental Human Services Bureau which is part of the Human and Community Services Division. (Organization chart are available from the Grantee upon request) The Human and Community Services Division is one of nine divisions within the Montana Department of Public Health and Human Services. Program activities within the Human and Community Services Division include child care, public assistance, Medicaid eligibility, welfare reform, employment and training, Supplemental Nutrition Assistance Program (SNAP), emergency solutions, commodities distribution, and energy and weatherization assistance.

The Intergovernmental Human Services Bureau consists of the Food Distribution Section and the HRDC Services Section. Food Distribution Section programs include Food Distribution on Indian Reservations, Nutrition for the Elderly, Emergency Food Assistance, and Charitable Institutions. In addition to the Weatherization Assistance Program the HRDC Services Section's responsibilities include the Community Services Block Grant Program, the Low Income Energy Assistance Program, Housing Opportunities for People with Aids (HOPWA) and the Emergency Solutions Grants Program. Weatherization activities are provided in Montana's single congressional district.

The Weatherization Assistance Program reduces energy costs for low-income families, particularly for the elderly, people with disabilities, and children, by improving the energy efficiency of their homes while ensuring their health and safety. The average energy savings is 55% of consumption for the typical low-income home. Occupants of weatherized homes experience in the range of \$375 in annual savings on their energy bills, at current energy prices. Weatherization creates non-energy benefits as well, including increased property value, reduced incidence of fire, reduced utility arrearages and bad debt, federal taxes generated from

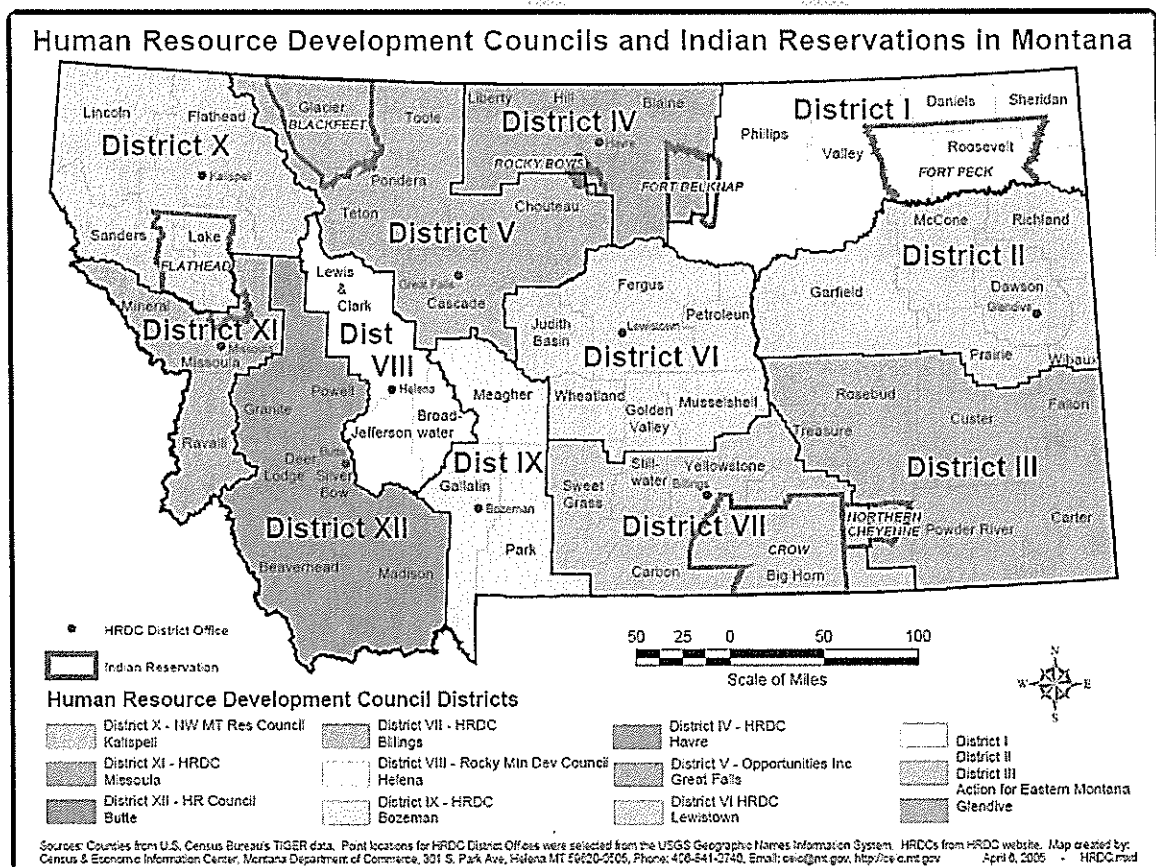
employment, income generated from indirect employment, avoided costs of unemployment benefits, and reduced pollution.

Additional benefits include improved health and safety conditions, increased comfort for occupants, a reduction in homelessness and mobility, and extended lifetime of affordable housing.

At times, the weatherization of a dwelling is deferred when weatherization services would pose a threat to the health and safety of the occupants, Human Resource Development Council (HRDC) weatherization staff or contractors. The weatherization will be postponed until the health and safety conditions have been resolved.

The Rural Housing Preservation Grant funds would complement the Weatherization Assistance program to benefit very low-income, rural, homeowners by addressing health and safety hazards. Once the health and safety hazards are addressed weatherization work can begin to make needed repairs to improve the general living conditions of the homeowners. Due to the limited amount of funding, the Intergovernmental Human Services Bureau of the Human and Community Services Division will hold the funds until an eligible dwelling has been identified by an HRDC.

The HRDC's and their geographic areas are included on the map below.





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## Housing Preservation Grant Evidence of Legal Existence

Montana Code Annotated

53-10-501. Definitions. As used in this part, the following definitions apply:

(2) Department means the department of public health and human services provided for in 2-15-2201.

(3) "Human resource development council" means a nonprofit public or private community organization serving low-income persons in a multicounty area that has the same boundaries as one or more sub-state planning districts established by executive order of the governor.

(See Letter from Governor Bullock)

June 6, 2017

Sandi Messenger, State Housing Specialist  
Rural Development Office  
2229 Boot Hill Court  
Bozeman, Montana 59715

Dear Ms. Messenger:

Pursuant to the Notice of Funds Available for Section 533 of the Housing Preservation Grant, I support this grant application and have a strong interest in its successful completion. I do hereby designate the Montana Department of Public Health and Human Services (DPHHS) as the lead agency for purposes of carrying out the Housing Preservation Grant activities. This grant will complement the Low Income Weatherization Assistance Program by providing vital health and safety funding for home repairs necessary prior to completion of cost-effective weatherization work.

I also do hereby authorize the Administrator of the Human and Community Services Division of the DPHHS to act on my behalf in all matters pertaining to the Housing Preservation Grant. Such authorization includes committing the state to comply with all assurances necessary to receive and expend federal funds for this program.

Sincerely,

STEVE BULLOCK  
Governor

CC: Sheila Hogan, Director, DPHHS  
Jamie Palagi, Administrator, DPHHS  
Andrea Goetsch, Chief, DPHHS



Housing Preservation Grant Budget		
Cost Category	HPG Funds	Leveraged Funds
Direct/Indirect Admin Costs	\$7,500	\$14,424.00
Program Operations and Health and Safety *	\$42,500	\$144,240**
Total	\$50,000	\$158,664.00
* Includes Fringe Benefits, Wages, Travel Equipment, and Supplies		
** Average of \$7,212 per home for 10-20 homes		



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## Housing Preservation Grant

### Narrative on Area to be Served:

The service area of the eleven (11) Human Resource Development Councils (HRDCs) encompasses the entire State of Montana. Each county within a HRDC service area receives weatherization services proportional to the ratio of its low-income residents relative to the population of low-income residents in the service area.

All eleven (11) HRDCs selected currently manage effective Weatherization Programs. All HRDCs have received comprehensive program reviews, demonstrating ability to administer programs in compliance with State and Federal Rules and Regulations. The grantee has received no adverse comment at public hearings or request for consideration of new HRDCs.

The eleven HRDCs and percent of eligible households based on the American Community Survey are:

Housing Preservation Grant	
Areas to be Served	
Agency	Percent of Eligible Households
Action For Eastern Montana - Glendive	11.60%
District IV - Havre	3.48%
Opportunities Incorporation - Great Falls	14.46%
District VI - Lewistown	2.65%
District VII - Billings	16%
Rocky Mountain Development Council - Helena	4.99%
District IX - Bozeman	8.43%
Northwest Montana Resource Council - Kalispell	20.30%
District XI- Missoula	8.43%
District XII - Billings	7.63%
Salish and Kootenai Tribes - Flathead Reservation	23.52%

The housing conditions depicted in the tables below are taken from the April 1, 2015 State of Montana Consolidated Plan. The Consolidated Plan for Housing and Community Development helps comprehensively fulfill three basic goals: provide decent housing, provide a suitable living environment, and expand economic opportunities. The detailed data presented on the current

housing stock will help the state and community organizations better understand what types of housing are available for rent and for purchase, and assist them in determining the housing needs of Montana citizens.

The April 2015 Montana Consolidated Plan reported that there are \$12,136 single family homes with asbestos siding and 1,272 with asbestos roof material.

While 81% of the residential housing stock was in average to excellent condition, there were over 97,000 dwellings that were in serious need of maintenance and overhaul. Over 45% of dwellings were constructed with below average materials and workmanship, which can result in future higher maintenance costs. Overall, the effective age was older than the actual (chronological) age, indicating that the housing stock was in worse than average conditions.

Physical Condition by Structure Type			Effective Age by Structure Type		
Physical Condition	Single Family	Percent of Total	Age of the Dwelling	Single Family	Percent of Total
Unsound	3,252	1%	1939 and Earlier	11,764.00	4%
Very Poor	4,715	1%	1940-1949	9,478.00	3%
Poor	11,104	4%	1950-1959	15,220.00	5%
Fair	36,205	12%	1960-1969	33,320.00	11%
Average	116,401	37%	1970-1979	58,115.00	18%
Good	101,072	32%	1980-1989	73,823.00	23%
Very Good	33,467	11%	1990-1999	54,778.00	17%
Excellent	8,545	3%	2000 or 2009	53,108.00	17%
Total	314,761	100%	2010 or later	5,115.00	2%
			Total	314,761.00	100%

#### **Type of Housing Preservation Assistance being Proposed:**

Financial assistance from the Housing Preservation Grant would be used for very low-income homeowners living in rural Montana. The Rural Housing Preservation Grant would complement the Weatherization Assistance Program to assist very low-income homeowners in repairing and rehabilitating homes in rural areas. Such assistance will be used to remove or correct asbestos related hazards.

##### **a. Asbestos Abatement.**

- i. Specially-trained and certified asbestos abatement contractor will be contracted to remove, transport and dispose of the asbestos.
- ii. An air-quality monitoring test will be performed on the dwelling to assure that there is no asbestos present in the ambient air that would be a health and safety risk to the occupants, agency staff or contractors.

**Use of HPG Resources for Historic Properties:**

Measures will be installed necessary to sustain the existing form, integrity, and materials of an historic property.

Properties greater than 50 years old are to be considered for Historic Preservation. Prior to the expenditure of federal funds to alter any structure or site, the Agency is required to comply with Section 106 of the National Historic Preservation Act (NPA). Section 106 applies to historic properties or sites that are listed on or eligible for listing on the National Register of Historic Places.

In order to fulfill the requirements of Section 106, the Agency must contact the State Historic Preservation Officer (SHPO) to coordinate the Section 106 review as set forth in 36 CFR Part 800.

SHPO contact information is available at the following link:

<http://www.ncshpo.org/find/index.htm>

Historic Preservation will be accomplished through **Exhibit F-2**.

- a. The local HRDC's and IHSB will determine if the dwelling or property has any historic or archaeological value.
  - i. The HRDC will develop in consultation with the State Historic Preservation Officer (SHPO) a process to ensure full compliance with the national historic preservation objectives.
  - ii. The HRDC will encourage the rehabilitation of historic buildings in a manner that realistically meets the needs of very low- and low-income property owners while preserving the historic and architectural character of such buildings.

**Method of Evaluation:**

The Grantee will submit Quarterly performance reports with SF-269, in an original and two copies. The quarterly report will relate to the activities during the report period to the project's objectives and analyze the effectiveness of the program. The method of evaluation to determine effectiveness of the Housing Preservation Grant is as follows:

1. Use of HPG funds for administration and housing preservation activities.
2. The following specific information for each unit or dwelling assisted:
  - i. Name(s), address, and income(s) of each homeowner assisted or the name and address of the owner(s) or co-op for each rental property (single or multi-unit) or co-op assisted;
  - ii. Total cost of repair rehabilitation, a list of major repairs made, amount financed by HPG, and amount financed from which other sources;
  - iii. Type of assistance provided (interest subsidy, loan, grant, etc.); and

- iv. Results of implementing the environmental process contained in § 1944.672 of this subpart and the historic preservation process contained in § 1944.673 of this subpart.
- 3. The use of HPG and any other funds for replacement housing.
- 4. A comparison of actual accomplishments to the objectives set for that period, including:
  - i. The number of very low- and low-income, minority and nonminority persons assisted in obtaining adequate housing by the HPG program through repair and rehabilitation as well as for replacement housing; and
  - ii. The average cost of assistance provided to each household.
- 5. Reasons why, if established objectives are not met.
- 6. Problems, delays, or adverse conditions which will materially affect attainment of the HPG grant objectives, prevent the meeting of time schedules or objectives, or preclude the attainment of program work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Federal or other assistance needed to relieve the situation.
- 7. Objectives established for the next reporting period, sufficiently detailed to identify the type of assistance to be provided, the number and type of households to be assisted, etc.
- 8. A certification that the final building inspection reports for each rehabilitation or repair work financed as well as for replacement housing with HPG funds for that quarter is on file.

Frequency of Audits:

- 1. Grant evaluation will be an on-going activity performed by both the grantee and FmHA or its successor agency under Public Law 103-354. The grantee will perform self-evaluations by preparing quarterly performance reports in accordance with § 1944.683 of this subpart
- 2. The grantee will complete the closeout procedures as specified in the grant agreement.
- 3. The grantee will have an audit performed upon termination or completion of the project in accordance with 7 CFR parts 3015 and 3016, as applicable. As part of its final report, the grantee will address and resolve all audit findings.

Guide: Grantee's Process for Identifying Properties  
Requiring Rural Development Environmental Assessments

I. Before beginning work on a particular dwelling, we (grantee) agree to answer the following questions in accordance with the accompanying guidelines:

A. **Floodplains, Wetlands, and Coastal Barrier Resources System (CBRS)**

1. Is the dwelling located in a 100-year floodplain?

The grantee will check the latest Federal Emergency Management Agency (FEMA) Floodplain Insurance Rate Maps to determine if the property is located in a 100-year floodplain. These maps are provided by FEMA to each community which has been mapped, and may be reviewed on the FEMA Map Service Center website or at local municipal or county governmental offices. FEMA maps may also be purchased from FEMA's Flood Map Distribution Center by calling 1-800-333-1363. If a community has not been mapped, information regarding floodplains may be obtained from the Soil Conservation Service (SCS), the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the U.S. Geological Survey offices, or regional or State agencies established for flood prevention purposes. (Revised 04-01-16, SPECIAL PN.)

RHS will obtain a FEMA Standard Flood Hazard Determination form, which will indicate if the property is located in a floodplain. If the exact location of the boundary of the floodplain or the elevation of the structures on the property in comparison to the floodplain's base flood elevation must be determined, and when advised to do so by Rural Development or one of the above agencies, the grantee will obtain the services of a registered engineer or appropriate environmental professional to make the floodplain determination. (For further instructions, see 1970 Subpart F - Floodplains.) (Revised 04-01-16, SPECIAL PN.)

2. Is the dwelling located in a wetland?

The grantee will follow the instructions in 1970 Subpart G - Wetlands to determine if the dwelling may be located in or immediately adjacent to a wetland. When advised to do so by Rural Development, the grantee will obtain the services of an appropriate environmental professional to make the wetland determination. (Revised 04-01-16, SPECIAL PN.)

If an environmental resource may be adversely affected, no work will be done on the dwelling until Rural Development completes an environmental assessment in accordance with 7 CFR part 1970. The grantee will abide by the decisions resulting from the assessment, including mitigation measures or a decision to reject the dwelling for the Housing Preservation Grant (HPG) program. The applicant will provide information or documentation requested by Rural Development. (For further instructions, see 1970 Subpart G - Wetlands.) (Revised 04-01-16, SPECIAL PN.)

3. Is the dwelling located in the CBRS?

If the dwelling is located on or adjacent to a coast of the United States or the Great Lakes, the grantee will check with the U.S. Fish and Wildlife Service to determine if the property is part of the CBRS. Rural Development County Offices servicing coastal areas may also have CBRS maps.

If a dwelling is located within the CBRS, the dwelling is ineligible for the HPG program. (For further instructions, see 1970 Subpart O - Other Protected Resources and Guides.) (Revised 04-01-16, SPECIAL PN.)

**B. Historic and Archaeological Properties**

4. Does the dwelling or property have any historic or archaeological value?

The grantee will develop in consultation with the State Historic Preservation Officer (SHPO) a process to ensure full compliance with the spirit and intent of RD Instruction 2000-FF. The process will take into account the national historic preservation objectives set forth in Attachment 1 of Exhibit A of RD Instruction 2000-FF, and will encourage the rehabilitation of historic buildings in a manner that realistically meets the needs of very low- and low-income property owners while preserving the historic and architectural character of such buildings.

The grantee will identify properties that are listed or eligible for listing on the National Register of Historic Places. This will be accomplished by evaluating the property as set forth in Attachment 2 of Exhibit A of RD Instruction 2000-FF.

At a minimum, the grantee will contact the SHPO and request comments when any of the following conditions occur:

- (a) The dwelling proposed for rehabilitation and/or repair is older than 50 years;
- (b) Regardless of age, the property appears to have significant historic and/or archaeological features, including, but not limited to:
  - (1) The dwelling appears to have unusual architectural features which are not typically found in the area;
  - (2) A graveyard or burial ground of any type is known to be on the property;
  - (3) The property contains or is known to have contained a significant number of artifacts such as arrowheads, stone tools, etc.;
  - (4) The property is located in or adjacent to a currently listed historic district or site.
- (c) Any other conditions agreed upon by the grantee and SHPO under the terms of RD Instruction 2000-FF.

When planning the rehabilitation of a historic property for a proposed recipient, the grantee will comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings to the extent practicable.

If, after consulting with SHPO, it is determined the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings cannot be reasonably met, or it is determined a historic property will be adversely affected, the grantee will furnish all necessary information and initiate formal consultation to afford the Advisory Council on Historic Preservation an opportunity to comment. Attachment 3 of Exhibit A of RD Instruction 2000-FF provides additional guidance on this subject.



If at any time during renovation work one of the above conditions mentioned in paragraphs (a) through (c) of this section becomes apparent, the grantee will immediately cease work on the property and contact the SHPO and Rural Development. The grantee will abide by the directions of the SHPO and Rural Development concerning further work on the property.

(For further instructions, see 1970 Subpart H - Historic Preservation.) (Revised 04-01-16, SPECIAL PN.)

**C. Other Environmental Considerations**

5. Does the property contain any areas where chemicals or petroleum products are stored, disposed of, or appear to have been released into the environment?

If the grantee discovers such a condition on the property, the grantee will not remove or handle any of these materials. The grantee will immediately consult with the occupants/owners of the dwelling regarding the situation and will contact Rural Development and, if appropriate, the local Health Department or environmental regulatory agency for further guidance.

6. Are there adjacent land uses which now or in the future present a potential detriment to the quality of the environment of the subject property?

The grantee will do a thorough reconnaissance of the surrounding area and determine if there are: noise sources (railroads, airports, industry, heavily traveled highways, etc.); safety or sanitary problems; air pollution sources; or severe deficiencies in services such as fire protection, crime control, etc.

If any of the adverse environmental conditions noted in paragraphs 5 and 6 of this section are discovered, the grantee will do no work on the dwelling until Rural Development has been consulted. The grantee will abide by the decisions resulting from the consultation and/or assessment, including mitigation measures or a decision to reject the dwelling for the HPG program.

II. We (the grantee) will answer each of these questions on each property considered for inclusion in the HPG program, and will document the recipient file with our findings. If none of the questions are answered "Yes," we will document such in the recipient file and will proceed with the repair/rehabilitation of the property as planned. We will monitor the work being done to insure that all construction wastes are properly disposed of. We will fully cooperate with and assist Rural Development in the preparation of any necessary environmental reviews on the property.

SUBMITTED BY:

\_\_\_\_\_  
Grantee

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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PART 2000 - General

Subpart FF - Programmatic Memorandum of Agreement between Rural Development, The National Conference of State Historic Preservation Officers, and the Advisory Council on Historic Preservation Regarding Implementation of the Housing Preservation Grant Program

§2000.1551 General

Rural Development has entered into a Programmatic Memorandum of Agreement (PMOA) with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation regarding the processes Rural Development and applicants for Housing Preservation Grant (HPG) assistance will use in meeting the objectives of the National Historic Preservation Act (16 U.S.C. 470-1[1], [4], and [5]) and the specific historic preservation requirements of Section 533(i) of the HPG enabling legislation (P.L. 98-181). The PMOA is implemented through the regulations for the HPG program, Subpart N of Part 1944 of this chapter. The PMOA is attached as Exhibit A.

§§2000.1552 - 2000.1600 [Reserved]

Attachment: Exhibit A

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DISTRIBUTION: W,S,D

Administration  
General

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(6-13-86) SPECIAL PN

(Letterhead for Advisory Council  
on Historic Preservation)

PROGRAMMATIC  
MEMORANDUM OF AGREEMENT  
BETWEEN  
RURAL DEVELOPMENT,  
THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS,  
AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING IMPLEMENTATION OF  
THE HOUSING PRESERVATION GRANT PROGRAM

WHEREAS Rural Development proposes to administer the Housing Preservation Grant (HPG) program authorized by Section 533 of the Housing Act of 1949, as amended by Section 522 of Title V of the Housing Urban-Rural Recovery Act of 1983 (Pub. L. 98-181) (Act) and

WHEREAS Rural Development has determined that the HPG program may have effects on properties included in or eligible for inclusion in the National Register of Historic Places (historic properties), and

WHEREAS Section 533(i) of the Act sets forth specific requirements pertaining to historic preservation, and

WHEREAS Rural Development has sought the comments of the Advisory Council on Historic Preservation (Council) pursuant to Section 106 of the National Historic Preservation Act and the Council's regulations (36 CFR Part 800), and

WHEREAS Rural Development, the Council, and the National Conference of State Historic Preservation Officers have consulted in accordance with 36 CFR §800.8 of the regulations,

NOW, THEREFORE, it is mutually agreed that Rural Development will administer the HPG program in accordance with the following provisions in order to take into account its effects on historic properties.

Stipulations

I. Rural Development will by regulation require that each applicant for an HPG grant provide, as part of its statement of activities in the preapplication documentation submitted to Rural Development, a brief description of the applicant's program to meet the requirements of Section 533(i) of the Act. Rural Development will require each applicant to develop a program that shall:

A. be developed in consultation with the appropriate State Historic Preservation Officer (SHPO);

B. take into account the National historic preservation objectives set forth at 16 U.S.C. 470-1(1), (4), and (5) (Attachment #1), and specifically be designed to encourage the rehabilitation of historic buildings in a manner that realistically meets the needs of low and very low income homeowners while preserving the historic and architectural character of such buildings;

C. establish a mechanism for determining whether buildings proposed for rehabilitation are "historic properties" and whether rehabilitation may affect historic properties. Such mechanisms must be consistent with the guidance contained in Attachment #2.

D. establish mechanisms, as feasible, for coordination with other public and private organizations and programs that provide assistance in the rehabilitation and preservation of historic properties;

E. establish a system to ensure that the rehabilitation of properties included in or eligible for inclusion in the National Register of Historic Places is reasonably consistent with the recommended approaches in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (G.P.O. 1983 0-416-688), except as provided in stipulation F below, and that the SHPO is afforded the opportunity to comment on each such rehabilitation;

F. establish a system by which the applicant will furnish all necessary information and initiate the consultation steps set forth in 36 CFR Part 800 to afford the Advisory Council on Historic Preservation an opportunity to comment on any rehabilitation that the applicant, in consultation with the SHPO, determines cannot reasonably meet the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic buildings or would adversely affect historic properties (See Attachment #3), and

G. be accompanied by the SHPO's concurrence in the program, or in the event of non-concurrence, be accompanied by the SHPO's comments together with evidence that the applicant has sought the Council's advice as to how the disagreement might be resolved, and any advice provided by the Council.

II. Rural Development will review the program description provided by the applicant, together with the comments of the SHPO and the Council where applicable, in determining whether to approve a grant or condition authorization of an application upon insertion of additional procedures into the statement of activities, and may request additional advice from the Council.

III. For the purposes of stipulation I.F. above, the Council will treat applicants as though they were Federal agencies in the process prescribed in the Council's regulations implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800), except that, should the Council be unable to concur in an applicant's proposal or reach agreement with the applicant on measures to avoid or mitigate effects on a historic property, the Council will notify the applicant, Rural Development, and the SHPO that the applicant cannot be treated as though it were a Federal agency with respect to the specific property under consideration. Upon receipt of such

notification from the Council, Rural Development will assume responsibility for completing compliance with 36 CFR Part 800. Such assumption of responsibility by Rural Development with respect to a particular property shall not preclude an applicant from carrying out the requirements of 36 CFR Part 800 with respect to other properties as though it were a Federal agency.

IV. Rural Development and the Council may from time to time jointly issue non-binding guidance to applicants and SHPOs concerning the development of programs pursuant to Stipulation I above.

Execution of this Programmatic Memorandum of Agreement evidences that Rural Development has afforded the Council a reasonable opportunity to comment on Rural Development's implementation of the HPG program.

Vance L. Clark /s/ 4-15-86

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Farmers Home Administration

John W. Fowler /s/ 3/31/86

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Executive Director  
Advisory Council on Historic Preservation

Charles G. Lee /s/ 4/1/86

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President  
National Conference of State Historic  
Preservation Officers

/s/ 4/30/86

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Chairman  
Advisory Council on Historic Preservation

ATTACHMENT #1  
NATIONAL HISTORIC PRESERVATION OBJECTIVES  
FOR THE  
HOUSING PRESERVATION GRANT PROGRAM

Introduction

Section 533(i) of the Housing Act, as amended, requires that the Secretary of Agriculture establish procedures which support national historic preservation objectives in the administration of the HPG program. The Secretary has determined that the following objectives, established as national objectives by Sections 2(1), (4) and (5) of the National Historic Preservation Act (16 U.S.C. 470-1[1], [4] and [5]) will be supported by implementation of the HPG program, and are to be taken into account by applicants in their development of programs to meet the requirements of Section 533(i).

Objectives

To foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations (16 U.S.C. 470-1[1]);

To contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means (16 U.S.C. 470-1[4]), and

To encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment (16 U.S.C. 470-1[5]).

ATTACHMENT #2  
PROCEDURES FOR  
THE IDENTIFICATION OF HISTORIC BUILDINGS  
IN THE  
HOUSING PRESERVATION GRANTS PROGRAM

Introduction

Generally speaking, it is anticipated that the Housing Preservation Grants (HPG) program will have beneficial effects on historic houses and other historic buildings, because it will provide for their rehabilitation and extend their lives. Adverse effects on such buildings are possible, however, if rehabilitation is done without full consideration of the historic and architectural significance of the building involved. It is also possible to do damage to Archaeological sites lying in the ground underneath a building.

Section 533(i) of the Housing Act, as amended, and Sections 106 and 110 of the National Historic Preservation Act, as amended, require that the HPG program be carried out with consideration for the historic (including architectural and Archaeological) importance of properties included in, and properties eligible for inclusion in, the National Register of Historic Places. Obviously, one cannot consider the historic importance of a building if one does not know that it is historic. Only a small percentage of the historically, architecturally, and archaeologically important properties in the nation have been formally identified and registered, and still fewer have been formally included in the National Register. Therefore, it is necessary that applicants for HPG funds establish ways to consider whether buildings that may be rehabilitated have such aspects of importance, even if they have not been registered as such. Under Section 533(i) and a Programmatic Memorandum of Agreement executed by Rural Development with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers, rehabilitation of historic buildings should be done in accordance with the recommendations of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (SOI Standards), and in consultation with the State Historic Preservation Officer (SHPO) of the State in which the rehabilitation occurs. The purpose of these guidelines is to assist applicants in determining which rehabilitations require application of the SOI Standards, by determining which involve properties of historical, architectural, or Archaeological value.

Procedures for identifying historic properties can be complex; a number of Federal, state, and local guidelines are available. The process presented here is simplified and reduced to as few steps as possible, recognizing the limited means of many HPG applicants and the relatively limited range of adverse effects that HPG projects are likely to have on historic properties.

Applicants should consult with their State Historic Preservation Officers in applying these guidelines to the development of their own programs.



Initial planning with the SHPO

In the development of an HPG program, an applicant should meet with the State Historic Preservation Officer (SHPO) to establish an efficient, effective way to determine the historical, architectural, and Archaeological significance of buildings subject to rehabilitation and areas that may be affected by rehabilitation activities. Such initial planning should address at least the following issues.

- \* In general, is it likely that the types of buildings that the program will rehabilitate are eligible for inclusion in the National Register?
- \* Does the SHPO know of specific buildings or other properties, on or eligible for the National Register, that may be affected by the rehabilitation program?
- \* Does the SHPO have opinions about the likelihood of encountering historic properties, including Archaeological sites, in areas that the applicant expects to target for rehabilitation?
- \* Are there types of buildings that have already been determined not to be eligible for inclusion in the National Register, or that can for other reasons be considered categorically ineligible for purposes of the HPG program? These will be referred to below as "categorically ineligible" properties.
- \* Are there types of buildings that should always be considered eligible for the National Register? These might include types representing relatively recent buildings of extraordinary historical or architectural importance, as well as older building types. These will be referred to below as "categorically eligible" properties.
- \* Are there any additional standards, guidelines, or criteria that the SHPO recommends? Based on your State's comprehensive State Historic Preservation Plan or the SHPO's experience, the SHPO may be able to provide special guidance with respect to evaluation of particular building types, evaluation of Archaeological sites, considering the historical and architectural integrity of buildings, and other features that contribute to eligibility or ineligibility for the National Register.
- \* Does the SHPO have advice on the best ways to apply the SOI Standards to the kinds of buildings that will be subject to rehabilitation?
- \* What are the most effective ways to coordinate the applicant's work with the SHPO in the review of specific rehabilitation projects?

Evaluation of particular properties: step-by-step

The precise system for evaluating the historic, architectural and Archaeological significance of properties will naturally vary based on the outcome of initial consultation with the SHPO. However, the following steps are recommended.

STEP ONE: Determine whether the property is already registered or otherwise determined to be significant

If the building where rehabilitation is being considered has already been listed in the National Register of Historic Places, or formally determined eligible for the Register, no further identification is needed. Rehabilitation should be done in accordance with the SOI Standards, in consultation with the SHPO.

You can determine whether a particular property has been listed or formally determined eligible for the National Register by consulting listings published periodically by the National Park Service, but it is usually more efficient to consult with the SHPO for such information.

If the building has been listed in a state or local register of historic properties, it is very likely to be eligible for the National Register. The steps below can be carried out, but it may be simpler to assume that the building is of historical importance and carry out rehabilitation in accordance with the SOI Standards, in consultation with the SHPO.

Information on state and local registers can be obtained from the SHPO and from local historic preservation organizations.

STEP TWO: Consider the age of the building involved

Buildings that are less than fifty years old are seldom eligible for the National Register.

If the building is more than fifty years old, you should proceed to Step Three.

If the building is less than fifty years old, you should consider whether:

- \* the building may be of a type that your initial consultation with the SHPO has indicated may be categorically eligible, or
- \* the building otherwise appears to be of extraordinary historical or architectural significance.

If the building is not of a type that is categorically eligible, and is not otherwise of extraordinary historical or architectural significance, no further historic preservation review is required. You should document your determination and rehabilitation can be done without reference to the SOI Standards.

If the building may be of a categorically eligible type, or otherwise of extraordinary significance, you should proceed to Step Four.

STEP THREE: Consideration of properties over fifty years old

If the building is more than fifty years old, you may want to consider rehabilitating it in accordance with the SOI Standards without further evaluation of its historical and architectural significance. The SOI Standards for the most part prescribe commonsense practices that are worth considering for any older house.

If you do not want to apply the SOI Standards without further evaluation, you should consider whether, used on your initial consultation with the SHPO, the building is categorically ineligible for the National Register. If it is, you should document your determination and rehabilitation can be done without reference to the SOI Standards.

If the building does not appear to be categorically ineligible, or if you are uncertain about its eligibility, you should proceed to Step Four.

STEP FOUR: Consultation with the SHPO

At this point you have two options. Either:

(a) assume that the building is eligible for the National Register and apply the SOI Standards to its rehabilitation, in consultation with the SHPO, OR

(b) consult with the SHPO first to determine eligibility. If the SHPO determines that the property is not eligible, then unless someone objects to that determination and the SHPO's opinion is overturned by the Keeper of the National Register (in the National Park Service), you need not apply the SOI Standards to its rehabilitation. If the SHPO determines that the building is eligible, and you do not disagree, you are required by the program regulations to apply the SOI Standards in its rehabilitation. If the SHPO determines that the property is eligible and you disagree, you may refer the disagreement to Rural Development, which will seek a final determination from the Keeper of the National Register. The Keeper's determination is final. If in the end the property is determined eligible, you are required to apply the SOI Standards in its rehabilitation.

Special Consideration: Archaeological Sites

If your rehabilitation project will involve substantial earthmoving, special Consideration should be given to the possibility that historic or prehistoric Archaeological sites, eligible for the National Register, might be disturbed. The SHPO should be consulted with regard to any project involving substantial earthmoving. If an Archaeological site is involved, special provisions may have to be made for carrying out the rehabilitation in a way that minimizes damage to it.

#### Other Considerations in Evaluation

The general criteria of eligibility for the National Register are set forth at 36 CFR Sec. 60.4 by the National Park Service. Properties may be eligible for the National Register at National, state, and local levels of significance. Eligibility is generally based on association with a historically important person or event, association with important patterns in history, association with a style of architecture, or the potential to yield important information about history or prehistory.

A building normally is eligible only if it retains its historical and architectural integrity. For example, does it retain most of the architectural detailing that it had when it was built, or has this been lost or stripped away? If the building has been added to over the years, can you still tell the difference between the original building and the additions? If there are particular parts of the building that are historically important, for example because they were associated with an important person, are they still relatively intact? If it had particular architectural characteristics that made it important may, a particular kind of porch, or entry hall, or staircase are those characteristics still intact?

A building does not have to be in pristine condition to have integrity. The changes it has undergone over time may actually add to its significance. It is best to be conservative about integrity; if you aren't sure whether the building still has it, it is best to assume that it does.

Although in rehabilitation projects the major concern is the structure to be rehabilitated itself, it is also necessary to consider the environment in which the structure exists. A building may be Part of a district that is eligible for the National Register, for example an urban neighborhood made up of older houses, or a rural landscape that retains its historical integrity. Even if the building to be rehabilitated does not contribute notably to the district, its rehabilitation may have visual or other effects on the district that should be considered. It is anticipated that effects on districts will seldom be a problem in the HPG program, but they could be significant in rare instances.

ATTACHMENT #3  
CONTACTING THE ADVISORY COUNCIL  
ON HISTORIC PRESERVATION

Where an HPG applicant, pursuant to the terms of its system developed under stipulation I.F. of the Programmatic Memorandum of Agreement between Rural Development, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, must provide the Advisory Council an opportunity to comment on a project, the applicant shall follow the procedures set forth in the Council's regulations (36 CFR Part 800) as though the applicant were a Federal agency.

To contact the Council:

Applicants in eastern states (see map) should contact:

Chief, Eastern Division of Project Review  
Advisory Council on Historic Preservation  
Old Post Office Building  
1100 Pennsylvania Ave., NW, Suite 809  
Washington, DC 20004  
(202)786-0505

Applicants in western states (see map) should contact:

Chief, Western Division of Project Review  
Advisory Council on Historic Preservation  
730 Simms Street, Room 450  
Golden, Colorado 80401  
(303)236-2682

Exhibit A: Page 11 not automated see manual

## § 1940.311

\*(10) Financial assistance for land-clearing operations of no more than 15 acres, provided no wetlands are affected, and financial assistance for any amount of land involved in tree harvesting conducted on a sustained yield basis and according to a Federal, State or other governmental unit approved forestry management and marketing plan; and

(11) Financial assistance for the conversion of no more than 160 acres of pasture to agricultural production, provided that in a conversion to agricultural production no State water quality standard or wetlands are affected. If a wetland is affected, the application will fall under Class II as defined in §1940.312 of this subpart. If a water quality standard would be impaired or antidegradation requirement not met, a Class I assessment is required as specified in §1940.317(g) of this subpart.

(e) *General exclusions.* (1) The award of financial assistance for planning purposes, management and feasibility studies, or environmental impact analyses;

(2) For actions other than those covered by exhibit M of this subpart, loan-closing and servicing activities, transfers, assumptions, subordinations, construction management activities and amendments and revisions to approved projects, including the provision of additional financial assistance that do not alter the purpose, operation, location, or design of the project as originally approved;

(3) The issuance of regulations and instructions, as well as amendments to them, describing administrative and financial procedures for processing, approving, and implementing the Agency's financial assistance programs;

(4) Procurement activities for goods and services, routine facility operations, personnel actions, and other such management activities related to the operation of the Agency;

(5) Reduction in force or employee transfers resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar circumstances; and

\*(6) The lease or disposal of real property by FmHA or its successor agency under Public Law 103-354 whenever the

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transaction is either not controversial for environmental reasons or will not result in a change in use of the real property within the reasonably foreseeable future.

[53 FR 36240, Sept. 19, 1988, as amended at 76 FR 80220, Dec. 23, 2011]

### § 1940.311 Environmental assessments for Class I actions:

The Agency's proposals and projects that are not identified in §1940.310 of this subpart as categorical exclusions require the preparation of an environmental assessment in order to determine if the proposal will have a significant impact on the environment. For purposes of implementing NEPA, the actions listed in this section are presumed to be major Federal actions. If an action has a potential to create a significant environmental impact, an EIS must be prepared. (In situations when there is clearly a potential for a significant impact, the EIS may be initiated directly without the preparation of an assessment.) It is recognized that many of the applications funded annually by FmHA or its successor agency under Public Law 103-354 involve small-scale projects having limited environmental impacts. However, because on occasion they have the potential to create a significant impact, each must be assessed to determine the degree of impact. The scope and level of detail of an assessment for a small-scale action, though, need only be sufficient to determine whether the potential impacts are substantial and further analysis is necessary. Therefore, for the purpose of implementing NEPA, FmHA or its successor agency under Public Law 103-354 has classified its smaller scale approval actions as Class I actions. The format which will be used for accomplishing the environmental assessment of a Class I action is provided in Form FmHA or its successor agency under Public Law 103-354 1940-21. An important aspect of this classification method is that it allows FmHA or its successor agency under Public Law 103-354's environmental review staff to concentrate most of its time and efforts on those actions having the potential for more serious or complex environmental impacts. Additional guidance on the application of NEPA to Class I

actions is provided in § 1940.319 of this subpart.

(a) *Housing assistance.* If either of the following actions is an expansion of a previously approved FmHA or its successor agency under Public Law 103-354 housing project, see § 1940.310(b)(8) of this subpart to determine if it meets the requirements for a categorical exclusion. In the case of an expansion for which an environmental assessment was not done for the original FmHA or its successor agency under Public Law 103-354 project, the size of the proposal for assessment purposes is determined by adding the number of units in the original project(s) to those presently being requested.

(1) Financial assistance for a multi-family housing project, including labor housing which comprises at least 5 units, but no more than 25 units; and

(2) Financial assistance for or the approval of a subdivision, as well as the expansion of an existing one which involves at least 5 lots but no more than 25 lots; and

(3) Financial assistance for a housing preservation grant.

(b) *Community and business programs and nonprofit national corporations loan and grant program.* Class I assessments will be prepared for the following categories:

(1) Financial assistance for water and waste disposal facilities and natural gas facilities that meet all of the following criteria:

(i) There will not be a substantial increase in the volume of discharge or the loading of pollutants from any existing or expanded sewage treatment facilities, or a substantial increase in an existing withdrawal from surface or ground waters. A substantial increase may be evidenced by an increase in hydraulic capacity or the need to obtain a new or amended discharge or withdrawal permit.

(ii) There will not be either a new discharge to surface or ground waters or a new withdrawal from surface or ground waters such that the design capacity of the discharge or withdrawal facility exceeds 50,000 gallons per day and provided that the potential water quality impacts are documented in a manner required for a Class II assess-

ment and attached as an exhibit to the Class I assessment.

(iii) From the boundaries listed below, there is no extension, enlargement or construction of interceptors, collection, transmission or distribution lines beyond a one-mile limit estimated from the closest point of the boundary most applicable to the proposed service area:

(A) The boundary formed by the corporate limits of the community being served.

(B) If there are developed areas immediately contiguous to the corporate limits of a community, the boundary formed by the limits of these developed areas.

(C) If an unincorporated area is to be served, the boundary formed by the limits of the developed areas.

(iv) The proposal is designed for predominantly residential use with other new or expanded users being small-scale commercial enterprises having limited secondary impacts.

(v) For a proposed expansion of sewage treatment or water supply facilities, such expansions would serve a population that is no more than 20 percent greater than the existing population.

(vi) The proposal is not controversial for environmental reasons, nor have relevant questions been raised regarding its environmental impact which cannot be addressed in a Class I assessment.

(2) Financial assistance for group homes, detention facilities, nursing homes, or hospitals, providing a net increase in beds of not more than 25 percent or 25 beds, whichever is greater; and

(3) Financial assistance for the construction or expansion of facilities, such as fire stations, real stores, libraries outpatient medical facilities, service industries, additions to manufacturing plants, office buildings, and wholesale industries, that:

(i) Are confined to single, small sites; and

(ii) Are not a source of substantial traffic generation; and

(iii) Do not produce either substantial amounts of liquid or solid wastes or any of the following type(s) of wastes:





# Department of Public Health and Human Services

Human and Community Services Division ♦ Intergovernmental Human Services Bureau  
PO Box 202956 ♦ Helena, MT 59620-2956♦

Steve Bullock, Governor

Sheila Hogan, Director

## **Public Comment Requirement:**

A public comment period on the draft Summary of Activities was provided for fifteen (15) days from June 15, 2017 through June 29, 2017. A notice of the public comment was published in the State's major newspapers (Helena, Billings, Bozeman, Great Falls, Butte, Kalispell, Lewistown and Miles City). A copy of the notice is as follows:

### **Notice of Public Comment**

With this Public Notice, the Department of Health and Human Services solicits public comment on the draft Summary of Activities for the Housing Preservation Grant Application. The draft Summary of Activities for the Housing Preservation Grant Application may be requested by contacting the Department of Public Health and Human Services, Intergovernmental Human Services Bureau, P.O. Box 202956, Helena, MT 59620-2956 or by calling (406) 447-4269. Public comments are invited any time prior to 5:00 P.M., Thursday, June 29, 2017. Comments may be directed at the Department of Public Health and Human Services, Intergovernmental Human Services Bureau, P.O. Box 202956, Helena, MT 59620-2956 starting Thursday, June 15, 2017.

EQUAL OPPORTUNITY AGREEMENT

This agreement, dated 07-17-2017 between  
Human and Community Services, Montana DPHHS

(herein called "Recipient" whether one or more) and United States Department of Agriculture (USDA), pursuant to the rules and regulations of the Secretary of Labor (herein called the 'Secretary') issued under the authority of Executive Order 11246 as amended, witnesseth:

In consideration of financial assistance (whether by a loan, grant, loan guaranty, or other form of financial assistance) made or to be made by the USDA to Recipient, Recipient hereby agrees, if the cash cost of construction work performed by Recipient or a construction contract financed with such financial assistance exceeds \$10,000 - unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965.

1. To incorporate or cause to be incorporated into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the USDA setting forth the provisions of this nondiscrimination clause.
- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the USDA, advising the said labor union or workers' representative of the contractor's commitments under this agreement and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of all rules, regulations and relevant orders of the Secretary of Labor.
- (e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, rules, regulations, and orders, or pursuant thereto, and will permit access to his books, records, and accounts by the USDA Civil Rights Office, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by Law.
- (g) The contractor will include the provisions of paragraph 1 and paragraph (a) through (g) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Ord No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the USDA may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor become involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the USDA, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0018. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

2. To be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the organization so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.
3. To notify all prospective contractors to file the required 'Compliance Statement', Form RD 400-6, with their bids.
4. Form AD-425, Instructions to Contractors, will accompany the notice of award of the contract. Bid conditions for all nonexempt federal and federally assisted construction contracts require inclusion of the appropriate "Hometown" or "Imposed" plan affirmative action and equal employment opportunity requirements. All bidders must comply with the bid conditions contained in the invitation to be considered responsible bidders and hence eligible for the award.
5. To assist and cooperate actively with USDA and the Secretary in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary, that will furnish USDA and the Secretary such information such as , but not limited to, Form AD-560, Certification of Nonsegregated Facilities, to submit the Monthly Employment Utilization Report, Form CC-257, as they may require for the supervision of such compliance, and that it will otherwise assist USDA in the discharge of USDA's primary responsibility for securing compliance.
6. To refrain from entering into any contract or contract modification subject to such Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by USDA or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order.
7. That if the recipient fails or refuses to comply with these undertakings, the USDA may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the organization under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such organization; and refer the case to the Department of Justice for appropriate legal proceedings.

Signed by the Recipient on the date first written above.

\_\_\_\_\_  
Recipient

(CORPORATE SEAL)

\_\_\_\_\_  
Recipient

Human and Community Services Division, DPHHS  
\_\_\_\_\_  
Name of Corporate Recipient

Attest:

\_\_\_\_\_  
Secretary

By \_\_\_\_\_  
President

USDA  
Form RD 400-4  
(Rev. 06-10)

**ASSURANCE AGREEMENT**  
(Under Title VI, Civil Rights Act of 1964)

FORM APPROVED  
OMB No. 0575-0018  
OMB No. 0570-0062

The Human and Community Services, Montana DPHHS

(name of recipient)

1400 Carter Drive, P.O. Box 202956, Helena, MT 59620-2956

(address)

("Recipient" herein) hereby assures the U. S. Department of Agriculture that Recipient is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et. seq.), 7 CFR Part 15, and Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, Risk Management Agency, or the Farm Service Agency, (hereafter known as the "Agency") regulations promulgated thereunder, 7 C.F.R. § 1901.202. In accordance with that Act and the regulations referred to above, Recipient agrees that in connection with any program or activity for which Recipient receives Federal financial assistance (as such term is defined in 7 C.F.R. § 15.2) no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination.

1. Recipient agrees that any transfer of any aided facility, other than personal property, by sale, lease or other conveyance of contract, shall be, and shall be made expressly, subject to the obligations of this agreement and transferee's assumption thereof.
2. Recipient shall:
  - (a) Keep such records and submit to the Government such timely, complete, and accurate information as the Government may determine to be necessary to ascertain our/my compliance with this agreement and the regulations.
  - (b) Permit access by authorized employees of the Agency or the U.S. Department of Agriculture during normal business hours to such books, records, accounts and other sources of information and its facilities as may be pertinent to ascertaining such compliance.
  - (c) Make available to users, participants, beneficiaries and other interested persons such information regarding the provisions of this agreement and the regulations, and in such manner as the Agency or the U. S. Department of Agriculture finds necessary to inform such persons of the protection assured them against discrimination.
3. The obligations of this agreement shall continue:
  - (a) As to any real property, including any structure, acquired or improved with the aid of the Federal financial assistance, so long as such real property is used for the purpose for which the Federal financial assistance is made or for another purpose which affords similar services or benefits, or for as long as the Recipient retains ownership or possession of the property, whichever is longer.
  - (b) As to any personal property acquired or improved with the aid of the Federal financial assistance, so long as Recipient retains ownership or possession of the property.
  - (c) As to any other aided facility or activity, until the last advance of funds under the loan or grant has been made.
4. Upon any breach or violation this agreement the Government may, at its option:
  - (a) Terminate or refuse to render or continue financial assistance for the aid of the property, facility, project, service or activity.
  - (b) Enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

Rights and remedies provided for under this agreement shall be cumulative.

In witness whereof, Human and Community Services, Montana DPHHS on this  
(name of recipient)

date has caused this agreement to be executed by its duly authorized officers and its seal affixed hereto, or, if a natural person, has hereunto executed this agreement.

(S E A L)

07-17-2017

Recipient

Date

Attest:

Jamie Palagi, Administrator

Title

Title

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0018 and 0570-0062. The time required to complete this information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

AD-3031

**U.S. Department of Agriculture**  
**ASSURANCE REGARDING FELONY CONVICTION**  
**OR TAX DELINQUENT STATUS FOR CORPORATE APPLICANTS**

**NOTE:** The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552(a)—as amended). The authority for requesting the following information for USDA agencies and offices is in sections 745 and 746 of the Consolidated Appropriations Act, 2016, Pub. L. 114-113, as amended and/or subsequently enacted. The information will be used to document compliance with appropriations restrictions.

According to the Paperwork Reduction Act of 1995 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number of this information collection is 0505-0025. The time required to complete this information collection is estimated to average 3 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided.

This award is subject to the provisions contained in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, Division E, Title VII, sections 745 and 746, as amended and/or subsequently enacted for U.S. Department of Agriculture (USDA) agencies and offices regarding corporate felony convictions and corporate federal tax delinquencies.

Accordingly, by accepting this award the corporation recipient acknowledges: (1) that it does not have a Federal tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) that it has not been convicted of a felony criminal violation under any Federal law within 24 months preceding the award, unless a suspending and debarring official of the USDA has considered suspension or debarment of the recipient corporation based on these convictions and/or tax delinquencies and determined that suspension or debarment is not necessary to protect the interests of the Government. If the recipient fails to comply with these provisions, the agency will annul this agreement and may recover any funds the recipient has expended in violation of the above cited statutory provisions.

\_\_\_\_\_  
APPLICANT'S SIGNATURE (BY)

\_\_\_\_\_  
TITLE/RELATIONSHIP OF THE INDIVIDUAL IF SIGNING IN A  
REPRESENTATIVE CAPACITY

\_\_\_\_\_  
BUSINESS NAME

\_\_\_\_\_  
DATE SIGNED (MM-DD-YYYY)

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.*



## United States Department of Agriculture

AD-1047

### Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions

The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552(a), as amended). This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, and 2 C.F.R. § 180.335, Participants' responsibilities. The regulations were amended and published on August 31, 2005, in 70 Fed. Reg. 51865-51880. Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

According to the Paperwork Reduction Act of 1995 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0027. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud privacy, and other statutes may be applicable to the information provided.

*(Read Instructions On Page Two Before Completing Certification)*

- A. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
1. Are not presently debarred, suspended, or proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (A.2.) of this certification; and
  4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- B. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ORGANIZATION NAME

PR/AWARD NUMBER OR PROJECT NAME

NAME(S) AND TITLE(S) OF AUTHORIZED REPRESENTATIVE(S)

SIGNATURE(S)

DATE

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

### Instructions for Certification

- (1) By signing and submitting this form, the prospective primary participant is providing the certification set out on page 1 in accordance with these instructions.
- (2) The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out on this form. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- (3) The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
- (4) The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (5) The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549, at 2 C.F.R. Parts 180 and 417. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- (6) The prospective primary participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
- (7) The prospective primary participant further agrees by submitting this form that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- (8) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the System for Award Management (SAM) database.
- (9) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (10) Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.



## United States Department of Agriculture

AD-1048

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion  
Lower Tier Covered Transactions**

The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552(a), as amended). This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, and 2 C.F.R. §§ 180.300, 180.355, Participants' responsibilities. The regulations were amended and published on August 31, 2005, in 70 Fed. Reg. 51865-51880. Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

According to the Paperwork Reduction Act of 1995 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0027. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud privacy, and other statutes may be applicable to the information provided.

***(Read Instructions On Page Two Before Completing Certification)***

- A. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency;
- B. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ORGANIZATION NAME

PR/AWARD NUMBER OR PROJECT NAME

NAME(S) AND TITLE(S) OF AUTHORIZED REPRESENTATIVE(S)

SIGNATURE(S)

DATE

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider, employer and lender.



### Instructions for Certification

- (1) By signing and submitting this form, the prospective lower tier participant is providing the certification set out on page 1 in accordance with these instructions.
- (2) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- (3) The prospective lower tier participant shall provide immediate written notice to the person(s) to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (4) The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549, at 2 C.F.R. Parts 180 and 417. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- (5) The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- (6) The prospective lower tier participant further agrees by submitting this form that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- (7) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the System for Award Management (SAM) database.
- (8) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (9) Except for transactions authorized under paragraph (5) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

## U.S. DEPARTMENT OF AGRICULTURE

**CERTIFICATION REGARDING  
DRUG-FREE WORKPLACE REQUIREMENTS (GRANTS)  
ALTERNATIVE I - FOR GRANTEEES OTHER THAN INDIVIDUALS**

This certification is required by the regulations implementing Sections 5151-5160, of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.), 7 CFR Part 3017, Subpart F, Section 3017.600, Purpose. The January 31, 1989, regulations were amended and published as Part II of the MAY 25, 1990, Federal Register (pages 21681-21691). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the grant.

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

Alternative I

- A. The grantee certifies that it will or will continue to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an ongoing drug-free awareness program to inform employees about --
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - (e) Notify the agency in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Human and Community Services Montana DPHHS, Intergovernmental Human Services Bureau

P.O. Box 202956, 1400 Carter Drive

Helena, MT 59620-2956

Check ☐ if there are workplaces on file that are not identified here.

Human and Community Services Division, Montana DPHHS

Housing Preservation Grant

Organization Name

Award Number or Project Name

Jamie Palagi, Administrator

Name and Title of Authorized Representative

Signature

Date

### Instructions for Certification

1. By signing and submitting this form, the grantee is providing the certification set out on pages 1 and 2.
2. The certification set out on pages 1 and 2 is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If know, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if sued to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

CERTIFICATION FOR CONTRACTS, GRANTS AND LOANS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant or Federal loan, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant or loan.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant or loan, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including contracts, subcontracts, and subgrants under grants and loans) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(title)

oOo

PART 1924 - CONSTRUCTION AND REPAIR

Subpart A - Planning and Performing Construction and other Development

§1924.1 Purpose.

This instruction supplements and adapts RD Instruction 1924-A to the development standards adopted and enforced by the State of Montana, Department of Labor and Industry, Building Standards Division, Building Codes Bureau, and the local building jurisdictions it certifies.

§1924.5(d) Construction.

The following standards are adopted by USDA-Rural Development-Montana for the design, construction, modification, and repair of all applicable dwellings, structures, and related facilities:

(1) Single Family Housing.

- (i) Building Systems: *International Residential Code*, 2003 edition, chapters 1 through 10, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, as amended by the Administrative Rules of Montana (ARM), section 24.301.154, and clarified by Exhibit E of this instruction. Highlights of ARM 24.301.154 include: chapters 11 through 43 are deleted; design snow loads within state-certified building jurisdictions are determined by the local building official, and otherwise are based on "Snow Loads for Structural Design in Montana", authored by Videon and Schilke, Montana State University, August 1989; replaced or amended *IRC* subsections R301.6 *Roof Load*, R311.5.3 *Riser Height*, R311.5.3.2 *Tread Depth*, R311.5.4 *Landings for Stairways*, R312.1 *Guards required*, and R405.1 *Foundation Drainage, Concrete or masonry foundations*. (Revised 12-21-2004, MPN 099) Factory-built buildings, including manufactured homes, are subject to *IRC 2003* or *IBC 2003*, as amended by ARM 24.301.501, .511-.525, .532-.550, .557-.567, and .576-.577. Modifications, repairs, and additions to existing buildings are subject to requirements of applicable codes included in this Exhibit, or the *International Existing Building Code 2003* (available at ICC address noted above), as amended by ARM 24.301.171.
- (ii) Mechanical Systems: *International Mechanical Code*, 2003 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, as amended by the ARM, section 24.301.172.
- (iii) Plumbing Systems: *Uniform Plumbing Code*, 2003 edition, published by the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, California 91789, as amended by ARM, section 24.301.301 and .351; RD Instruction 1924-C, section 1924.107(a)
- (iv) Electrical Systems: *NFPA 70*, also known as *National Electrical Code*, 2002 edition, published by the National Fire Protection Association, P.O. Box 9101, Quincy, MA 02269-9101, as amended by Administrative Rules of Montana, section 24.301.401 and .411.

§1924.5(d)(1)(v)

- (v) Thermal Systems: *International Energy Conservation Code*, 2003 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, as modified and amended by ARM 24.301.161, and as clarified in **Exhibit A** of this MT Instruction. New Manufactured Homes shall meet HUD Thermal Zone 3 criteria. Repairs, renovation of existing residences are not subject to RD thermal requirements. (Revised 08/12/08 MPN 127)

(2) Multiple Family Housing, Community Facilities, and other commercial structures\*.

- (i) Building Systems: *International Building Code*, 2003 edition, together with Appendix C, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, as modified and amended by ARM 24.301.131, -.134, -.138-.139, -.142, and -.146. One notable technical amendment of ARM 24.301.142 is the establishment of the minimum footing depth for buildings located outside of certified local building jurisdictions, which is 36 inches for single-story wood or metal frame buildings, and 48 inches for multi-story or masonry buildings.
- (ii) Mechanical Systems: *International Mechanical Code*, 2003 edition; see (1) (ii) above for further information.
- (iii) Plumbing Systems: *Uniform Plumbing Code*, 2003 edition; see (1) (iii) above for further information.
- (iv) Electrical Systems: *NFPA 70*, aka *National Electrical Code*, 2002 edition; see (1) (iv) above for further information.
- (v) Thermal Systems: *International Energy Conservation Code*, 2003 edition; see (1) (iv) above for further information.
- (vi) Accessibility Standards: *IBC*, 2003 edition, as amended by ARM 24.301.901-.904, and other applicable accessibility standards. *There is no single uniform accessibility standard due to varying applicability imposed by federal and state legislation.* Requirements of *Uniform Federal Accessibility Standard (UFAS)*, *HUD Fair Housing Accessibility Guidelines (HUD/AG)*, and *American with Disabilities Act Accessibility Guidelines (ADA/AG)* are applicable according to building function, type of ownership and availability to use by the public, site design, and other factors.

\*Hospitals and other Medical Facilities: *Guidelines for Construction and Equipment of Hospitals and Medical Facilities*, 1993 edition, published by The American Institute of Architects Press, 1735 New York Ave., N.W., Washington, D.C. 20006; *NFPA 101: Life Safety Code*, 2006 edition, published by National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269

§1924.5(f) Responsibilities for planning development.

While planning construction and obtaining technical services with regard to drawings, specifications, certifications of compliance, and cost estimates are the sole responsibility of the applicant, assistance from the Agency's loan approval official and technical staff shall be provided as needed to assure the development is properly planned to protect the Agency's security interest. Exhibits and forms referenced in this State Instruction shall be discussed with applicants as part of the Agency's assistance. (Revised and renumbered 08-21-06, MPN 115)

- (1) Action plans for various types of housing proposals. In the initial visit with a potential housing applicant, the Agency's loan official shall make a preliminary evaluation of each proposal and provide appropriate guidance to satisfy the Agency's planning, bidding, and construction requirements. Differing planning requirements, responsibilities, and forms of documentation will be needed for each housing loan and grant application depending upon whether the proposal is for repairs to an existing dwelling, construction of a new dwelling, or purchase of an existing dwelling. **Exhibit B** of this Montana Instruction, *Action Plans for Construction and Repairs*, provides the Agency loan official and housing applicant with a sequenced outline of specific actions and documentation for these various types of proposals.
  - (i) For Section 504 application proposals for repairs to an existing dwelling, the actions and documentation noted in **Attachment 1** shall be discussed with the applicant. **Exhibit G** of this Montana Instruction provides repair specifications.
  - (ii) For Section 502 application proposals to design and construct a new dwelling, the actions and documentation noted in **Attachment 2** shall be discussed.
  - (iii) For Section 502 application proposals to purchase an existing dwelling, the actions and documentation noted in **Attachment 3** shall be discussed.
- (2) New dwellings. RD will advise the applicant of the Agency's adopted development standards identified in §1924.5(d)(1) of this MT Instruction, minimum design documents, the certification requirements for plans, specifications, and when applicable, additional certifications for manufactured homes and for private individual water/sewer systems. RD will provide any required RD forms for completion.
  - (i) Drawings and specifications. **Exhibit C** of RD Instruction 1924-A, *Guide for Drawings and Specifications*, and **Exhibit F** of this Montana Instruction, *Checklist for New Dwelling Designs*, are provided as guidance to prepare complete plans and specifications for designs of homes built onsite and foundation designs for manufactured homes. Similar guidance is provided for modular homes in **Exhibit B**, **Attachment 1** of RD Instruction 1924-A, *Required Information for Acceptance of Modular/Panelized Housing Units*. **Exhibit H** of this Montana Instruction, *Design Submittal Checklists and Review Procedures for Mutual Self Help Housing*, is provided for use by MSH organizations to obtain RD approval of individual home designs and site development. (Revised 08/12/08).
  - (ii) Certification of designs. In accordance with §1924.5(f) of RD Instruction 1924-A, applicants must submit to RD a plan certification on **Form RD 1924-25**. When a state-certified city or county building authority has jurisdiction for building, plumbing, and mechanical systems the applicant may provide a copy of the building permit to the Agency loan official as evidence the development would meet Agency-adopted development standards, in place of the required Form RD 1924-25. **Exhibit D** of this subpart, *Certified Building Jurisdictions in Montana*, lists local jurisdictions currently authorized by the Building Codes Bureau, Building Standards Division, Montana Department of Labor and Industry, to issue building permits and provide code enforcement of the applicable developments standards.

§1924.5(f)(2) continued

- (iii) Manufactured homes. When a new manufactured home, as defined in §1924.4(k) of RD Instruction 1924-A, is proposed to be purchased, the dealer-contractor responsible for the sale, transportation and setup of the unit must be pre-approved by the RD State Director and be listed in the current applicable Montana Administrative Notice (AN). The RD-approved dealer-contractor must provide the information and sign the certification statement on **Form MT 1924-1, Dealer-Contractor Certification Statement for New Manufactured Housing**. Further guidance and requirements in **Exhibit C** of this subpart, *Development guidelines for New Manufactured Housing* shall be discussed with the applicant and dealer.
- (iv) Modular/panelized homes. When a new modular home, as defined in §1924.4(m) of RD Instruction 1924-A, is proposed to be purchased, the Agency's loan official shall discuss with the applicant the requirements provided in **Exhibit B** of RD Instruction 1924-A, *Requirements for Modular/Panelized Housing Units*.
- (v) Crawl space design and construction. When a new dwelling proposal includes a crawl space design, the applicant must provide RD with plans, specifications or construction notes that are part of their legal contract documents with the Contractor, that clearly identifies the method of crawl space ventilation. Upon submittal of plans for new dwelling construction, the RD loan official shall determine whether the design utilizes mechanical ventilation of the crawl space area instead of natural ventilation, or forward these to the State Architect or other designated plan review, for that determination. In any case where such a design is proposed, the contract documents must specify responsibilities of the Contractor to be implemented during construction that provide for the temporary ventilation of the enclosed crawl space area adequate to prevent the growth of mold on the surfaces of the building construction. **Exhibit E** of this subpart further illustrates the building code requirements, and minimum contract document requirements.
- (vi) New onsite wastewater disposal system and well designs. When construction of a new dwelling includes development of an onsite sewage disposal system, or onsite water supply well, prior to loan approval, the applicant must provide RD with a copy of plans, permit, and other documentation as submitted to and approved by the state or local health authority, such as a county sanitarian, environmental, health, or planning officer responsible for development of wells and sewage disposal systems. Other documentation should include soil percolation test, engineering report on groundwater level, and any other documentation required by the health authority. As a followup, the borrower shall provide RD with a copy of the local health authority final inspection/acceptance document. For any new private, individual or shared well, the applicant/borrower must have a water sample tested for bacteria by a certified laboratory, and provide RD a copy of laboratory test results indicating compliance with State water quality standards. Well drilling construction contracts between the applicant and a contractor shall be approved by the Agency approval of well drilling agreements is required when loan funds are used for that purpose.



- (3) Existing Dwellings. RD will advise the applicant for loan or grants proposing to purchase or repair an existing home, the following responsibilities and actions shall be considered:
- (i) Initial Assessment. The Agency's loan official will visit the property to conduct a preliminary evaluation in accordance with RD Handbook-1-3550, paragraph 5.1B(1). That Handbook provides a guide, **Attachment 5A, Checklist for Initial Assessment of Existing Housing.** For Section 502 loan applications, the Agency's loan official shall determine if the property is ineligible because the dwelling is a factory-built manufactured home. A Section 504 repair loan or grant application may consider repairs to an existing manufactured homes only if the dwelling has a permanent foundation or repairs include installation of a permanent foundation. Existing modular homes are eligible for Section 502 loan applications. When appropriate the loan official shall determine whether a factory-built home is manufactured or modular by inspecting the dwelling for a metal insignia plate. A manufactured home insignia will have the following language: "AS EVIDENCED BY THIS LABEL NO. ---- THE MANUFACTURER CERTIFIES TO THE BEST OF THE MANUFACTURER'S KNOWLEDGE AND BELIEF THAT THIS MANUFACTURED HOME HAS BEEN INSPECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE HOUSING AND URBAN DEVELOPMENT AND IS CONSTRUCTED IN CONFORMANCE WITH THE FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE." A modular home insignia will have the following language: "THIS INSIGNIA IS THE PROPERTY OF THE STATE OF MONTANA DEPARTMENT OF COMMERCE BUILDING CODES BUREAU. THIS MANUFACTURER CERTIFIES THAT THIS UNIT IS CONSTRUCTED IN ACCORDANCE WITH APPLICABLE MONTANA STATUTES COVERING PLUMBING, HEATING, ELECTRICAL, AND STRUCTURAL IN FACTORY BUILT BUILDINGS. ANY ALTERATION, CONVERSION OR DEVIATION FROM APPROVED PLANS VOIDS THIS "INSIGNIA OF APPROVAL"." When no insignia is found, the loan official should inspect the floor system of the dwelling. A manufactured home will have at least 2 steel beams supporting floor joists, running the length of the dwelling, inward from the exterior walls, but not along the centerline of the dwelling. A modular home's structural support will be located beneath the exterior wall and possibly at the centerline, but not as described for the manufactured home.
  - (ii) Adequacy of dwelling systems. When a loan application involves the purchase of an existing dwelling, the applicant, or the seller of the dwelling, must provide RD with qualified certifications concerning the adequacy of the electrical, plumbing, heat, and any onsite water supply or sewage disposal systems prior to the approval of the loan. An acceptable form of certification may be provided by a Real Estate Appraiser contracted for valuation services. The Agency's loan official will determine if further inspection and certification of adequacy shall be required for any component of a property improvement. When further inspection and certification of adequacy is required, it can be made by any qualified individual based upon their physical inspection of the dwelling. **Form MT 1924-12, Inspection Certification For Existing Dwelling**, may be completed and submitted for this purpose. Attachment 1 to this form is provided as a reference to the minimum conditions and features of an acceptable dwelling.
  - (iii) Existing wells. When a loan application involves the purchase or repair of an existing dwelling with an onsite well as the water supply, the applicant or the seller shall have a water sample taken at the tap, and tested for bacteria by a certified

laboratory. Laboratory results indicating compliance with local water quality standards shall be provided to the loan official.

- (iv) Termite protection. When a loan application involves the purchase or repair of an existing dwelling and inspection indicates improvements have construction with extensive wood to ground contact, then RD shall inform and require the applicant to obtain a building inspection by a qualified pest control inspection service, and reported on the industry's Form NPCA-1. When treatment is applied to an existing home, the appropriate forms are to be provided to RD.
- (v) Repair specifications. When repairs to an existing dwelling becomes a necessary action with a loan or grant application a complete description of the specific repair work in the form of a written repair specification will be required for bid and contract purposes. In recognition of the limited abilities and resources available to the applicants to obtain an adequate and acceptable repair specification, the Agency has compiled typical housing repair specifications into **Exhibit G** of this Montana Instruction, ***Construction Specifications for Housing Repairs***. When appropriate, the Agency's loan official shall use this Exhibit to prepare a repair specification that describes the work needed for the proposed application. When the Agency provides assistance with writing the repair specifications, the loan official shall provide the applicant with a draft version on Attachment 1 of Exhibit G and allow the applicant to review and make revisions as needed before repair bids are obtained.

#### *Attachments*

Exhibit A: Montana Thermal Performance Standards  
Exhibit B: Action Plans for Construction and Repairs  
Exhibit C: Development Guidelines for New Manufactured Housing  
Exhibit D: Certified Building Jurisdictions in Montana  
Exhibit E: Ventilation of Residential Crawl Space Areas During Construction  
Exhibit F: Checklist for New Dwelling Designs  
Exhibit G: Construction Specifications for Housing Repairs  
Exhibit H: Design Submittal Checklists and Review Procedures for Mutual Self  
Help Housing

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**I. Applicant Information**

- a. Applicant's Name: Human and Community Services, MT DPHHS
- b. Applicant's Address:
- Address, Line 1: 1400 Carter Dr
- Address, Line 2: P.O. Box 202956
- City: Helena State: MT Zip: 59620-2956
- c. Name of Applicant's Contact Person: Sheri Shepherd
- d. Contact Person's Telephone Number: 406-447-4269
- e. Contact Person's E-Mail Address: sshepherd2@mt.gov
- f. Entity Type: ☒ State Government ☐ Local Government
- (Check One) ☐ Non-Profit Corporation ☐ Federally Recognized Indian Tribes
- ☐ Faith-Based and neighborhood partnership
- ☐ Community Organization
- ☐ Other consortia of an eligible entity

**II. Project Information**

- a. Project Name: Housing Preservation Grant
- b. Project Address:
- Address, Line 1: 1400 Carter Dr
- Address, Line 2: P.O. Box 202956
- City: Helena State: MT Zip: 59620-2956
- c. Organization DUNS Number: 0516593520000
- d. Grant Amount Requested: \$ 50,000
- e. This grant request is for one of the following types of assistance:
- ☒ Homeowner assistance program
- ☐ Rental property assistance program
- ☐ Cooperative assistance program

**f. In response to e. above, answer one of the following:**

The number of low- and very low-income persons that the grantee will assist in the Homeowner assistance program: 10-20 OR

The number of units for low- and very low-income persons in the Rental property or Cooperative assistance program: \_\_\_\_\_

**g. This proposal is for one of the following:**

- ☒ Housing Preservation Grant (HPG) program (no set-aside)  
☐ Set-Aide for grant located in a Rural Economic Area Partnership (REAP) Zone

**III. Low-Income Assistance**

Check the percentage of very low-income persons that this pre-application proposes to assist in relation to the total population of the project:

- ☒ More than 80 percent (20 points)  
☐ 61 percent to 80 percent (15 points)  
☐ 41 percent to 60 percent (10 points)  
☐ 20 percent to 40 percent (5 points)  
☐ Less than 20 percent (0 points)

Points: 20

**IV. Percent of HPG Fund Use**

Check the percentage of HPG fund use (excluding administrative costs) in comparison to the total cost of unit preservation. This percentage reflects maximum repair or rehabilitation results with the least possible HPG funds due to leveraging, innovative financial assistance, owner's contribution or other specified approaches.

- ☒ 50 percent or less of HPG funds (20 points)  
☐ 51 percent to 65 percent of HPG funds (15 points)  
☐ 66 percent to 80 percent of HPG funds (10 points)  
☐ 81 percent to 95 percent of HPG funds (5 points)  
☐ 96 percent to 100 percent of HPG funds (0 points)

Points: 20

**V. Administrative Capacity**

The following three criteria demonstrate your administrative capacity to assist very low- and low-income persons to obtain adequate housing (30 points maximum).

a. Does this organization or a member of its staff have at least one or more years of experience successfully managing and operating a rehabilitation or weatherization type of program? (10 points) Yes ☒ No ☐ Points: 10

b. Does this organization or a member of its staff have at least one or more years of experience successfully managing and operating a program assisting very low- or low-income persons obtain housing assistance? (10 points) Yes ☒ No ☐ Points: 10

c. If this organization has administered grant programs, are there any outstanding or unresolved audit or investigative findings which might impair carrying out the proposal? (10 points for No) No ☒ Yes ☐ Points: 10

If Yes, please explain:

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**VI. Area Served**

Will this proposal be undertaken entirely in rural areas outside Metropolitan Statistical Areas, also known as MSAs, and identified by Rural Development as having populations below 10,000 or in remote parts of other rural areas (i.e., rural areas contained in MSAs with a population of less than 5,000) as defined in 7CFR 1944.656? (10 points)

Yes ☒ No ☐ Points: 10

**VII. Percent of HPG Funds for Administration**

Check the percentage of HPG funds that will be used for Administration purposes:

- ☐ More than 20 percent (Not eligible)
- ☐ 20 percent (0 points)
- ☐ 19 percent (1 point)
- ☐ 18 percent (2 points)
- ☐ 17 percent (3 points)
- ☐ 16 percent (4 points)
- ☒ 15 percent or less (5 points)

Points: 5

**VIII. Alleviating Overcrowding**

Does the proposed program contain a component for alleviating overcrowding as defined in 7 CFR 1944.656? (5 points) Yes ☐ No ☒ Points: 0

BILLING CODE 3410-XV-C

**IX. Documents Submitted**

Check if the following documents are being submitted electronically with this pre-application or will be mailed to the

State Office with your complete pre-application package.

Note: You are only required to submit supporting documents for programs in which you will be participating as indicated in this pre-application. Points will be assigned for

the items that you checked based on a review of the supporting documents.

Please refer to the NOSA for the complete list of documents that you are required to submit with your complete pre-application package.

Reference/Item	Submitted With This Pre-Application	Submitted to State Office
III. Low-Income Assistance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
IV. Percent of HPG Fund Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
V. Administrative Capacity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
VI. Area Served	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
VII. Percent of HPG Funds for Administration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. Alleviating Overcrowding		

**B. HPG 2017 Scoring**

Please Note: The scoring below is based on the responses that you have provided on this

pre-application form and may not accord with the final score that the Agency assigns upon evaluating the supporting documentation that you submit. Your score

may change from what you see here, if the supporting documentation does not adequately support your answer or, if required documentation is missing.

Scoring Items for HPG 2017	Points Earned
1. Low-Income Assistance (5, 10, 15, 20)	<u>20</u>

Scoring Items for HPG 2017	Points Earned
2. Percent of HPG Fund Use (5, 10, 15, 20)	<del>5</del> 20
3. Administrative Capacity (10, 20, 30)	30
4. Area Served (10)	10
5. Percent of HPG Funds for Administration (1, 2, 3, 4, 5)	5
6. Alleviating Overcrowding (5)	0
Total Score:	85

**Important**

By submitting this electronic pre-application form and its supporting documents, you have completed one step of the application process.

You must also complete the electronic application at: <http://www.grants.gov>.

[FR Doc. 2017-11315 Filed 5-31-17; 8:45 am]

BILLING CODE 3410-XV-P

**COMMISSION ON CIVIL RIGHTS**

**Notice of Public Meeting of the Indiana Advisory Committee To Discuss Civil Rights Concerns in the State and Determine the Next Topic of Committee Study**

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Indiana Advisory Committee (Committee) will hold a meeting on Monday June 19, 2017, at 3:00pm EST for the purpose of discussing civil rights concerns in the State for future Committee study.

**DATES:** The meeting will be held on Monday, June 19, 2017, at 3:00 p.m. EST.

**ADDRESSES:** Public call information: Dial: 877-681-3372, Conference ID: 6989716.

**FOR FURTHER INFORMATION CONTACT:** Melissa Wojnaroski, DFO, at [mwojnaroski@usccr.gov](mailto:mwojnaroski@usccr.gov) or 312-353-8311.

**SUPPLEMENTARY INFORMATION:** Members of the public can listen to the discussion. This meeting is available to

the public through the following toll-free call-in number: 877-681-3372, conference ID: 6989716. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353-8324, or emailed to Carolyn Allen at [callen@usccr.gov](mailto:callen@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit Office at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights,

Indiana Advisory Committee link (<http://www.facadatabase.gov/committee/meetings.aspx?cid=247>). Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Regional Programs Unit Office at the above email or street address.

**Agenda**

Welcome and Roll Call  
Discussion: Civil Rights in Indiana  
Public Comment  
Future Plans and Actions  
Adjournment

Dated: May 25, 2017.

David Mussatt,  
Supervisory Chief, Regional Programs Unit.  
[FR Doc. 2017-11267 Filed 5-31-17; 8:45 am]  
BILLING CODE 6335-01-P

**COMMISSION ON CIVIL RIGHTS**

**Notice of Public Meeting of the Michigan Advisory Committee for New Committee Member Orientation and To Discuss Civil Rights Concerns in Michigan as Potential Topics of Committee Study**

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Michigan Advisory Committee (Committee) will hold a meeting on Wednesday, June 21, 2017, at 12pm EST for the purpose of hosting new Committee orientation and discussing civil rights concerns in the state.

**DATES:** The meeting will be held on Wednesday, June 21, 2017, at 12 p.m. EST.